

IN THE UNITED STATES DISTRICT COURT IN AND  
FOR THE DISTRICT OF DELAWARE

Daniel M. Woods #164728  
Plaintiff,

vs.

Civil Action No. # 08-397 (J.J.F)

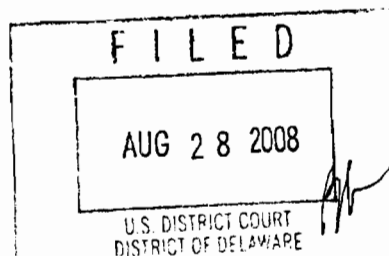
First Correctional Medical Inc.,  
In the Case, et al.  
Defendants

Additional Exhibits

\*  
In support of the above filed Case before this  
Court \*

Dated: 8-24-08

Daniel M. Woods #164728  
J.T.V. Correctional Center  
1181 Rockledge Road  
Smyrna, Delaware 19977



**DCC Delaware Correctional Center**  
**Smyrna Landing Road**  
**SMYRNA DE, 19977**  
**Phone No. 302-653-9261**

Date: 03/19/2008

## GRIEVANCE REPORT

### OFFENDER GRIEVANCE INFORMATION

Offender Name : BOYER, DONALD	SBI# : 00082420	Institution : DCC
Grievance # : 153373	Grievance Date : 03/11/2008	Category : Individual
Status : Unresolved	Resolution Status :	Resol. Date :
Grievance Type: Health Issue (Medical)	Incident Date : 03/11/2008	Incident Time :
IGC : Dutton, Matthew	Housing Location : Bldg 22, Upper, Tier C, Cell 4, Bottom	

### OFFENDER GRIEVANCE DETAILS

**Description of Complaint:** Inmate Claims: I am filing this grievance in regards to the nurses inadequate care. Pertaining to Syringe usage. I am on Insulin and there is a certain syringe explicitly designed for my Insulin shot, only hence, I am and have been getting injected with a syringe's that are specifically for TB shot. Not insulin. I am aware that I am receiving my Insulin injection with the wrong syringe because, I have been receiving Insulin shot for roughly 2 years. 2. The nurses unequivocally informed me that I would feel a burn when I receive my injection because they were "out of the proper" syringes. I received my shot with a TB syringe. My case in point: that due to me getting my Insulin with the wrong syringe I am experiencing a series of ailments such as: sharp pains and numbness in my arms (where injected with TB syringe. Tingling and burning in my fingers, blurry vision, occasional sharp pains in my heart, kidney pains, burns when I urinate, frequent urination cramps and numbness in thighs and legs, feet swell up, my big toe on my right foot is infected; which in turn when I walk my entire right foot hurts, twisting and turning in sleep all night from cramps. Prior to me receiving inefficient care these problems would occur but not so frequent and sudden. At times it's difficult for me to even get out of bed because my entire body is aching. Also, on numerous occasions my whole body feels numb from my toes to my head. This inadequate care has been going on for approximately the last (15) days. Furthermore, I would like to have my right toe examined because it is turning black. From infection. And I don't want it to be cut off, especially if I can have this avoided by simply having it examined and treated properly. Copy to Warden Perry Phelps.

**Remedy Requested :** To have Deputy Warden Pierce to have his staff conduct an extensive and thorough investigation on the nursing staff in building 22 on the 8:00 to 4:00 shift from the month of February to the week and month of March 12th 2008. I am requesting for the nurses to be investigated that have been injecting me with the wrong syringes that are precisely designed for TB shot, only. Also, who administered and have authorized and continue to authorize the nurses to use the TB shot syringes which are not designed for Insulin injection. Furthermore, for me and all other inmates who have been injected with the wrong syringes to have our blood (properly) checked, in building 22. Transferred from an excerpt dated July 23, 2006 out of the News Journal: "Nearly 50 current and former inmates may have been exposed to blood borne illness because of a nurses mistake! Case in point: the same mistake or incompetence is happening right now. I do not want to become a victim of circumstance. Also I want an investigation conducted on Dr. Desrosiers MD to see if she approved that these syringes could be used. And if she approved nurse Cain and Betty to inject me/us with the TB syringes for Insulin shot. The 12:00 to 8:00 had the proper syringes for Insulin shot and should not be included in this investigation.

### INDIVIDUALS INVOLVED

Type	SBI #	Name

### ADDITIONAL GRIEVANCE INFORMATION

Medical Grievance : YES	Date Received by Medical Unit : 03/19/2008
Investigation Sent : 03/19/2008.	Investigation Sent To : Moore, Ronnie
Grievance Amount :	

DCC Delaware Correctional Center  
Smyrna Landing Road  
SMYRNA DE, 19977  
Phone No. 302-653-9261

Date: 03/19/2008

EXHIBIT  
②

### INFORMAL RESOLUTION

OFFENDER GRIEVANCE INFORMATION		
Offender Name : BOYER, DONALD	SBI# : 00082420	Institution : DCC
Grievance # : 153373	Grievance Date : 03/11/2008	Category : Individual
Status : Unresolved	Resolution Status:	Inmate Status :
Grievance Type: Health Issue (Medical)	Incident Date : 03/11/2008	Incident Time :
IGC : Dutton, Matthew	Housing Location :Bldg 22, Upper, Tier C, Cell 4, Bottom	
INFORMAL RESOLUTION		
Investigator Name : Moore, Ronnie	Date of Report 03/19/2008	
Investigation Report :		
Reason for Referring:		

Offender's Signature: \_\_\_\_\_

Date : \_\_\_\_\_

Witness (Officer) : \_\_\_\_\_

EXHIBIT

DCC Delaware Correctional Center  
Smyrna Landing Road  
SMYRNA DE, 19977  
Phone No. 302-653-9261

Date: 03/19/2008

A16 • • • July 23, 2006  
www.delawareonline.com

Sunday News Journal  
A Gannett newspaper  
W. Curtis Riddle  
President and Publisher

## OUR VIEW

### INMATES EXPOSED

# Another medical error in prison adds urgency to oversight of system

Even given the well-documented state of health care inadequacies in Delaware prisons, the latest fiasco is mind-numbing.

Nearly 50 current and former inmates may have been exposed to blood-borne illnesses because of a nurse's mistake. According to reports, a privately contracted employee was seen using a diabetic needle and syringe, instead of an individual lancet, to obtain a blood sample from an inmate earlier this month. She allegedly used the same needle to draw insulin from a multiple-dose vial – potentially contaminating the vial – then used the vial to provide insulin to other inmates, witnesses say.

If true, this is inexcusable. The nurse reportedly has since resigned, but damage may already be done.

Health care in Delaware's prisons is under federal investigation for problems documented by The News Journal and others.

Providing care in prisons is fraught with potential problems, beginning with finding qualified personnel and dealing with the inmate population. Given Delaware's record and continued lack of oversight, a breach of basic medical protocol could happen again.

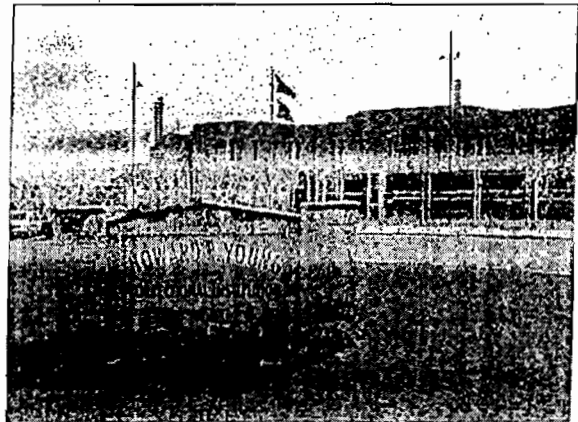
The Department of Correction is not excused from a commitment to transparency and monitoring the medical services these contract workers are paid to deliver.

Partnering with Delaware's medical community to provide independent oversight of contracted workers would be a reasonable and efficient solution. Oversight must include authority to make changes in how care is delivered. Limiting the medical community's role to an advisory capacity would waste their time and the taxpayers' money.

None of this is a new idea. Much of it was in prison health care reform legislation that was introduced but died in the General Assembly this year.

Considering this latest allegation and the possible harm to patients, the time for excuses is over. State officials have a moral obligation to end inexcusable, embarrassing and preventable episodes of lax care in the prisons.

Gov. Minner and the Department of Correction shouldn't waste another year waiting for the Legislature to debate the merits of the issue. They should act now to revamp the oversight system and improve prison health care.



EXHIBIT

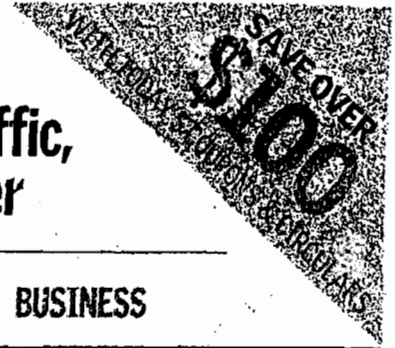
4



BASKETBALL  
AVAL  
URES  
TITLE  
RTS



LOCAL  
Weather  
snarls traffic,  
cuts power



One answer to foreclosure: Just walk away BUSINESS

# day News Journal

www.delawareonline.com

\$1.50 FINAL EDITION

## SICK, HURT, DISGUSTED.



The News Journal/CARLA VARISCO WILLIAMS

Williams said the prison medical contractor ignored his liver failure until a correctional officer noticed his yellow eyes and demanded he receive proper treatment.

ate inmate, dying of liver failure, says

## Del. pays outside lawyers big fees

Many private law firms  
have deep ties to governor

By CRIS BARRISH  
The News Journal

Delaware taxpayers have paid more than \$17 million since 2003 to private law firms for work state lawyers are supposed to handle - from defending against lawsuits and responding to federal investigations to routine tasks such as closing real estate deals.

Spending on outside legal fees keeps growing despite a 1995 government report that Delaware taxpayers could save up to \$1 million a year by cutting back.

Instead, outside firms continue getting lucrative deals, The News Journal found while analyzing state checkbook payments and nearly three dozen active contracts.

A Wilmington firm and one from Washington, D.C., have been paid a total of \$4 million through February for a single case: the state's ongoing border dis-





Williams is happy for his health, although the mere touch of her hand is painful.

## NE EXTRA

Duane Williams  
video interview at  
awareonline.com

The News Journal

**G**ander Hill inmate Duane J. Williams is clinging to life in a Pennsylvania hospital, his eyes bright yellow from near-total liver failure.

Severe abdominal pain, which he first reported over four months ago, wasn't taken seriously by the prison's medical contractor, Correctional Medical Services, until last week, he says. When a corrections sergeant noticed Williams' eyes, the officer demanded that CMS staff provide treatment or transfer the inmate to a hospital.

Ten days ago, the inmate was taken to Wilmington Hospital, where he waited for a week before being transferred to Philadelphia's Albert Einstein Medical Center on Thursday night for specialized treatment.

A diabetic, Williams was exposed to blood-borne diseases such as hepatitis in July 2006, when a former prison nurse drew insulin from a multidose vial with a syringe she had earlier used to obtain a blood sample from another inmate.

The nurse, who resigned after the mistake was discovered, delivered insulin from that vial to Williams and 46 other diabetic inmates. Six have since tested positive for hepatitis, although prison officials can't definitively link their illnesses to the contaminated insulin. Most of the inmates, including Williams, were not tested for hepatitis before the exposure.

To Williams, none of this matters.

"My liver's failing me," he said.

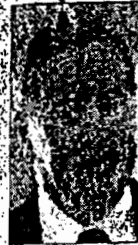
He doesn't know how long he will live if he doesn't get a transplant. "They won't tell me straight out," he said.

See SICK — A6

EXHIBIT 2

probe and a Philadelphia firm defending state police against lawsuits.

Outside attorneys routinely charge more than \$400 an hour — about 10 times what a typical deputy attorney general is paid, the newspaper found. One Philadelphia lawyer that Delaware uses charges \$525 an hour.



Mike Parkowski, a longtime political ally of Gov. Ruth Ann Minner, says he never lobbied her for business.

Hiring outside lawyers is legal as long as the governor and attorney general agree, but some question whether the practice is wasteful and best serves the public interest.

State officials say the work gets farmed out because of potential conflicts, the need for specialists and lack of manpower. The law, however, provides for no formalized process to hire outside attorneys.

While written proposals are often sought and many firms charge reduced rates, some have been hired after a few calls, without any others asked for a proposal.

Much of the work goes to firms with deep Delaware political ties.

The firm headed by Mike Parkowski, one of Gov. Ruth Ann Minner's longtime political supporters, has long held a contract for highway property purchases and other transportation-related work. From June 2003 through February, the state paid the firm \$1.35 million for the work.

Joseph C. Schoell, Minner's former chief legal adviser, and Thomas P. McGonigle, who held the same post under former Gov. Tom Carper, were abruptly hired last year to handle probes into conditions at the Delaware Psychiatric Center. The state has paid Wolf Block about \$380,000 for the hospital work.

See LAWYERS — A10

## in Bush's veto of bill to ban torture

America's reputation abroad.

ident had the chance to debate for good, yet he left the door open to the future," said Democratic Sen. Feinstein of California, the Senate Intelligence Committee.

ush ignored the advice of generals and admirals and security experts, including members of state and military advisers, who supported the bill.

"Torture is a black mark against the United States," she said.

The bill would have limited the CIA to 19 interrogation techniques that are used by the military and spelled out in the Army Field Manual. Bush said he vetoed the measure because it is important for the CIA to have a separate and classified interrogation program for suspected terrorists who possess critical information about possible plots against the United States.

Bush, who used his weekly radio

address to announce the veto, said the program had helped stop plots against a Marine camp in Djibouti and the U.S. consulate in Karachi, Pakistan, and plans to fly passenger planes into a Los Angeles tower or London's Heathrow Airport and city buildings.

"Were it not for this program, our intelligence community believes that al-Qaida and its allies would have succeeded in launching another attack against the American homeland," the president said.

See VETO — A2

## INSIDE

OBAMA CAPTURES WYOMING  
Clinton defeated in latest battle for Democratic nomination. PAGE A2

PILOT'S CRASH  
CHANGES LIVES  
Pacific island rescuers repaid for help during WWII. PAGE A11



## PRECAST

GH LOW

4 26

IA4

## INDEX

Business	C1	Homes guide	D1	Perspective	A13	Police report	B3
Classified	G1	Lotteries	B3	Editorial	A14	Sports	E1
Dear Abby	F7	Movies	F4	Letters	A15	Scoreboard	E9
Education	B2	Obituaries	B4	People	A4	Sunday Life	F1



## SPRING FORWARD

Daylight saving time began at 2 a.m. today. Clocks should have been set ahead one hour.

**MOTOR TREND TRUCK OF THE YEAR™**

\$2,500 MANUFACTURER REBATE ON ALL 2008 TUNDRA  
OR 0% APR FOR UP TO 48 MONTHS\* OR 1.9% APR FOR UP TO 60 MONTHS\*

NEW 2008 TOYOTA TUNDRA

\*For T101, T102, T103, T104, T105, T106, T107, T108, T109, T110, T111, T112, T113, T114, T115, T116, T117, T118, T119, T120, T121, T122, T123, T124, T125, T126, T127, T128, T129, T130, T131, T132, T133, T134, T135, T136, T137, T138, T139, T140, T141, T142, T143, T144, T145, T146, T147, T148, T149, T150, T151, T152, T153, T154, T155, T156, T157, T158, T159, T160, T161, T162, T163, T164, T165, T166, T167, T168, T169, T170, T171, T172, T173, T174, T175, T176, T177, T178, T179, T180, T181, T182, T183, T184, T185, T186, T187, T188, T189, T190, T191, T192, T193, T194, T195, T196, T197, T198, T199, T200, T201, T202, T203, T204, T205, T206, T207, T208, T209, T210, T211, T212, T213, T214, T215, T216, T217, T218, T219, T220, T221, T222, T223, T224, T225, T226, T227, T228, T229, T230, T231, T232, T233, T234, T235, T236, T237, T238, T239, T240, T241, T242, T243, T244, T245, T246, T247, T248, T249, T250, T251, T252, T253, T254, T255, T256, T257, T258, T259, T260, T261, T262, T263, T264, T265, T266, T267, T268, T269, T270, T271, T272, T273, T274, T275, T276, T277, T278, T279, T280, T281, T282, T283, T284, T285, T286, T287, T288, T289, T290, T291, T292, T293, T294, T295, T296, T297, T298, T299, T300, T301, T302, T303, T304, T305, T306, T307, T308, T309, T310, T311, T312, T313, T314, T315, T316, T317, T318, T319, T320, T321, T322, T323, T324, T325, T326, T327, T328, T329, T330, T331, T332, T333, T334, T335, T336, T337, T338, T339, T340, T341, T342, T343, T344, T345, T346, T347, T348, T349, T350, T351, T352, T353, T354, T355, T356, T357, T358, T359, T360, T361, T362, T363, T364, T365, T366, T367, T368, T369, T370, T371, T372, T373, T374, T375, T376, T377, T378, T379, T380, T381, T382, T383, T384, T385, T386, T387, T388, T389, T390, T391, T392, T393, T394, T395, T396, T397, T398, T399, T400, T401, T402, T403, T404, T405, T406, T407, T408, T409, T410, T411, T412, T413, T414, T415, T416, T417, T418, T419, T420, T421, T422, T423, T424, T425, T426, T427, T428, T429, T430, T431, T432, T433, T434, T435, T436, T437, T438, T439, T440, T441, T442, T443, T444, T445, T446, T447, T448, T449, T450, T451, T452, T453, T454, T455, T456, T457, T458, T459, T460, T461, T462, T463, T464, T465, T466, T467, T468, T469, T470, T471, T472, T473, T474, T475, T476, T477, T478, T479, T480, T481, T482, T483, T484, T485, T486, T487, T488, T489, T490, T491, T492, T493, T494, T495, T496, T497, T498, T499, T500, T501, T502, T503, T504, T505, T506, T507, T508, T509, T510, T511, T512, T513, T514, T515, T516, T517, T518, T519, T520, T521, T522, T523, T524, T525, T526, T527, T528, T529, T530, T531, T532, T533, T534, T535, T536, T537, T538, T539, T540, T541, T542, T543, T544, T545, T546, T547, T548, T549, T550, T551, T552, T553, T554, T555, T556, T557, T558, T559, T560, T561, T562, T563, T564, T565, T566, T567, T568, T569, T570, T571, T572, T573, T574, T575, T576, T577, T578, T579, T580, T581, T582, T583, T584, T585, T586, T587, T588, T589, T590, T591, T592, T593, T594, T595, T596, T597, T598, T599, T600, T601, T602, T603, T604, T605, T606, T607, T608, T609, T610, T611, T612, T613, T614, T615, T616, T617, T618, T619, T620, T621, T622, T623, T624, T625, T626, T627, T628, T629, T630, T631, T632, T633, T634, T635, T636, T637, T638, T639, T640, T641, T642, T643, T644, T645, T646, T647, T648, T649, T650, T651, T652, T653, T654, T655, T656, T657, T658, T659, T660, T661, T662, T663, T664, T665, T666, T667, T668, T669, T670, T671, T672, T673, T674, T675, T676, T677, T678, T679, T680, T681, T682, T683, T684, T685, T686, T687, T688, T689, T690, T691, T692, T693, T694, T695, T696, T697, T698, T699, T700, T701, T702, T703, T704, T705, T706, T707, T708, T709, T710, T711, T712, T713, T714, T715, T716, T717, T718, T719, T720, T721, T722, T723, T724, T725, T726, T727, T728, T729, T730, T731, T732, T733, T734, T735, T736, T737, T738, T739, T740, T741, T742, T743, T744, T745, T746, T747, T748, T749, T750, T751, T752, T753, T754, T755, T756, T757, T758, T759, T760, T761, T762, T763, T764, T765, T766, T767, T768, T769, T770, T771, T772, T773, T774, T775, T776, T777, T778, T779, T780, T781, T782, T783, T784, T785, T786, T787, T788, T789, T790, T791, T792, T793, T794, T795, T796, T797, T798, T799, T800, T801, T802, T803, T804, T805, T806, T807, T808, T809, T810, T811, T812, T813, T814, T815, T816, T817, T818, T819, T820, T821, T822, T823, T824, T825, T826, T827, T828, T829, T830, T831, T832, T833, T834, T835, T836, T837, T838, T839, T840, T841, T842, T843, T844, T845, T846, T847, T848, T849, T850, T851, T852, T853, T854, T855, T856, T857, T858, T859, T860, T861, T862, T863, T864, T865, T866, T867, T868, T869, T870, T871, T872, T873, T874, T875, T876, T877, T878, T879, T880, T881, T882, T883, T884, T885, T886, T887, T888, T889, T890, T891, T892, T893, T894, T895, T896, T897, T898, T899, T900, T901, T902, T903, T904, T905, T906, T907, T908, T909, T910, T911, T912, T913, T914, T915, T916, T917, T918, T919, T920, T921, T922, T923, T924, T925, T926, T927, T928, T929, T930, T931, T932, T933, T934, T935, T936, T937, T938, T939, T940, T941, T942, T943, T944, T945, T946, T947, T948, T949, T950, T951, T952, T953, T954, T955, T956, T957, T958, T959, T960, T961, T962, T963, T964, T965, T966, T967, T968, T969, T970, T971, T972, T973, T974, T975, T976, T977, T978, T979, T980, T981, T982, T983, T984, T985, T986, T987, T988, T989, T990, T991, T992, T993, T994, T995, T996, T997, T998, T999, T1000, T1001, T1002, T1003, T1004, T1005, T1006, T1007, T1008, T1009, T1010, T1011, T1012, T1013, T1014, T1015, T1016, T1017, T1018, T1019, T1020, T1021, T1022, T1023, T1024, T1025, T1026, T1027, T1028, T1029, T1030, T1031, T1032, T1033, T1034, T1035, T1036, T1037, T1038, T1039, T1040, T1041, T1042, T1043, T1044, T1045, T1046, T1047, T1048, T1049, T1050, T1051, T1052, T1053, T1054, T1055, T1056, T1057, T1058, T1059, T1060, T1061, T1062, T1063, T1064, T1065, T1066, T1067, T1068, T1069, T1070, T1071, T1072, T1073, T1074, T1075, T1076, T1077, T1078, T1079, T1080, T1081, T1082, T1083, T1084, T1085, T1086, T1087, T1088, T1089, T1090, T1091, T1092, T1093, T1094, T1095, T1096, T1097, T1098, T1099, T1100, T1101, T1102, T1103, T1104, T1105, T1106, T1107, T1108, T1109, T1110, T1111, T1112, T1113, T1114, T1115, T1116, T1117, T1118, T1119, T1120, T1121, T1122, T1123, T1124, T1125, T1126, T1127, T1128, T1129, T1130, T1131, T1132, T1133, T1134, T1135, T1136, T1137, T1138, T1139, T1140, T1141, T1142, T1143, T1144, T1145, T1146, T1147, T1148, T1149, T1150, T1151, T1152, T1153, T1154, T1155, T1156, T1157, T1158, T1159, T1160, T1161, T1162, T1163, T1164, T1165, T1166, T1167, T1168, T1169, T1170, T1171, T1172, T1173, T1174, T1175, T1176, T1177, T1178, T1179, T1180, T1181, T1182, T1183, T1184, T1185, T1186, T1187, T1188, T1189, T1190, T1191, T1192, T1193, T1194, T1195, T1196, T1197, T1198, T1199, T1200, T1201, T1202, T1203, T1204, T1205, T1206, T1207, T1208, T1209, T1210, T1211, T1212, T1213, T1214, T1215, T1216, T1217, T1218, T1219, T1220, T1221, T1222, T1223, T1224, T1225, T1226, T1227, T1228, T1229, T1230, T1231, T1232, T1233, T1234, T1235, T1236, T1237, T1238, T1239, T1240, T1241, T1242, T1243, T1244, T1245, T1246, T1247, T1248, T1249, T1250, T1251, T1252, T1253, T1254, T1255, T1256, T1257, T1258, T1259, T1260, T1261, T1262, T1263, T1264, T1265, T1266, T1267, T1268, T1269, T1270, T1271, T1272, T1273, T1274, T1275, T1276, T1277, T1278, T1279, T1280, T1281, T1282, T1283, T1284, T1285, T1286, T1287, T1288, T1289, T1290, T1291, T1292, T1293, T1294, T1295, T1296, T1297, T1298, T1299, T1300, T1301, T1302, T1303, T1304, T1305, T1306, T1307, T1308, T1309, T1310, T1311, T1312, T1313, T1314, T1315, T1316, T1317, T1318, T1319, T1320, T1321, T1322, T1323, T1324, T1325, T1326, T1327, T1328, T1329, T1330, T1331, T1332, T1333, T1334, T1335, T1336, T1337, T1338, T1339, T1340, T1341, T1342, T1343, T1344, T1345, T1346, T1347, T1348, T1349, T1350, T1351, T1352, T1353, T1354, T1355, T1356, T1357, T1358, T1359, T1360, T1361, T1362, T1363, T1364, T1365, T1366, T1367, T1368, T1369, T1370, T1371, T1372, T1373, T1374, T1375, T1376, T1377, T1378, T1379, T1380, T1381, T1382, T1383, T1384, T1385, T1386, T1387, T1388, T1389, T1390, T1391, T1392, T1393, T1394, T1395, T1396, T1397, T1398, T1399, T1400, T1401, T1402, T1403, T1404, T1405, T1406, T1407, T1408, T1409, T1410, T1411, T1412, T1413, T1414, T1415, T1416, T1417, T1418, T1419, T1420, T1421, T1422, T1423, T1424, T1425, T1426, T1427, T1428, T1429, T1430, T1431, T1432, T1433, T1434, T1435, T1436, T1437, T1438, T1439, T1440, T1441, T1442, T1443, T1444, T1445, T1446, T1447, T1448, T1449, T1450, T1451, T1452, T1453, T1454, T1455, T1456, T1457, T1458, T1459, T1460, T1461, T1462, T1463, T1464, T1465, T1466, T1467, T1468, T1469, T1470, T1471, T1472, T1473, T1474, T1475, T1476, T1477, T1478, T1479, T1480, T1481, T1482, T1483, T1484, T1485, T1486, T1487, T1488, T1489, T1490, T1491, T1492, T1493, T1494, T1495, T1496, T1497, T1498, T1499, T1500, T1501, T1502, T1503, T1504, T1505, T1506, T1507, T1508, T1509, T1510, T1511, T1512, T1513, T1514, T1515, T1516, T1517, T1518, T1519, T1520, T1521, T1522, T1523, T1524, T1525, T1526, T1527, T1528, T1529, T1530, T1531, T1532, T1533, T1534, T1535, T1536, T1537, T1538, T1539, T1540, T1541, T1542, T1543, T1544, T1545, T1546, T1547, T1548, T1549, T1550, T1551, T1552, T1553, T1554, T1555, T1556, T1557, T1558, T1559, T1560, T1561, T1562, T1563, T1564, T1565, T1566, T1567, T1568, T1569, T1570, T1571, T1572, T1573, T1574, T1575, T1576, T1577, T1578, T1579, T1580, T1581, T1582, T1583, T1584, T1585, T1586, T1587, T1588, T1589, T1590, T1591, T1592, T1593, T1594, T1595, T1596, T1597, T1598, T1599, T1600, T1601, T1602, T1603, T1604, T1605, T1606, T1607, T1608, T1609, T1610, T1611, T1612, T1613, T1614, T1615, T1616, T1617, T1618, T1619, T1620, T1621, T1622, T1623, T1624, T1625, T1626, T1627, T1628, T1629, T1630, T1631, T1632, T1633, T1634, T1635, T1636, T1637, T1638, T1639, T1640, T1641, T1642, T1643, T1644, T1645, T1646, T1647, T1648, T1649, T1650, T1651, T1652, T1653, T1654, T1655, T1656, T1657, T1658, T1659, T1660, T1661, T1662, T1663, T1664, T1665, T1666, T1667, T1668, T1669, T1670, T1671, T1672, T1673, T1674, T1675, T1676, T1677, T1678, T1679, T1680, T1681, T1682, T1683, T1684, T1685, T1686, T1687, T1688, T1689, T1690, T1691, T1692, T1693, T1694, T1695, T1696, T1697, T1698, T1699, T1700, T1701, T1702, T1703, T1704, T1705, T1706, T1707, T1708, T1709, T1710, T1711, T1712, T1713, T1714, T1715, T1716, T1717, T1718, T1719, T1720, T1721, T1722, T1723, T1724, T1725, T1726, T1727, T1728, T1729, T1730, T1731, T1732, T1733, T1734, T1735, T1736, T1737, T1738, T1739, T1740, T1741, T1742, T1743, T1744, T1745, T1746



# tor cites breakdowns at Gander Hill



The News Journal/CARLA VARISCO-WILLIAMS

ts her inmate husband, Duane, at Wilmington Hospital. "He told me he's going to die," she said day. "He should have been brought here months ago."



ned the med-  
n moving her  
in Medical  
"It doesn't  
bed."

as commit-  
wyer asked  
he sentence  
' diabetes,  
eded for a  
and arm  
trunk



Harry Williams Sr. said the Department of Correction put his son's life at risk by waiting so long to transfer him to specialist care.

mate lawsuits over poor care in Delaware and other states.

In January, a former inmate who sued the medical contractor resolved his case out of court. Richard Mark Turner, 52, charged that CMS failed to provide him with adequate care in 2001 and 2002 to treat his hepatitis C. Neither side would say whether Turner's charges

At the Albert Einstein Medical Center Thursday night, a team of doctors biopsied Williams' liver, his wife said. During the week Williams spent at Wilmington Hospital, the family heard several versions of what doctors might do to help.

"We've heard 10 different things. They've said he had a

## Dying from hepatitis 18 months after infection, experts say

Hepatitis C is the most common chronic blood-borne infection in the United States, and is associated with many physical symptoms, including stomach pain, fatigue, and anemia. One study found that 10 million Americans have the disease, and about 1 million are reported each year, according to the Centers for Disease Control and Prevention. The people most at risk are about 4 million are chronically infected, meaning the virus has stayed in their systems. There were 1,000 Delaware cases of chronic hepatitis C in 2006, the most recent year for which data are available.

Hepatitis C is most commonly spread by intravenous drug use, which accounts for 50 percent of chronic cases. Prisoners are at a higher risk of getting this infection, so are those who receive tattoos or body piercings with contaminated equipment. Healthcare workers and others who come into frequent contact with blood are also at higher risk. Besides the liver, hepatitis C can damage the kidney, eyes, skin and blood. About 80 percent of the people exposed to the virus have a chance of developing chronic hepatitis C. About 20 percent of people exposed to the virus are disease-free since it's not

Civil Rights Division launched an investigation.

Minner tried unsuccessfully to derail the federal investigation, but the Justice Department found "substantial civil rights violations" in four state prisons. The state settled the case before it went to federal court.

The settlement agreement, signed by Danberg, who at the time was Delaware's attorney general, and former Correction Commissioner Stan Taylor, called on the state to revamp its prison health care system and to report its progress regularly to the Justice Department.

The agreement remains in effect for two years, although the

Martin's team also warned that CMS suffers from a "lack of stable and effective leadership."

"Moreover, there has been consistent turnover at staff-level positions, and, at [Gander Hill] in particular, there is a problem with staff insubordination that needs to be addressed because it affects inmate medical and mental health services negatively," Martin wrote. "The Monitoring Team has also faced difficulty in receiving consistent and accurate information from CMS."

Suzanne Hill, an attorney who works at Martin's law firm, said Martin declined to comment for this story.

Hiran R. Nayake



EXHIBIT

A6 SUNDAY NEWS JOURNAL ... MARCH 9, 2008 4

# Sick: Monitor cites b

FROM PAGE A1

Like the other exposed inmates, Williams has lived with the possibility he contracted hepatitis or HIV from the insulin shot. Because viral infections can take months to appear, nurses conducted a series of blood tests in 2006 to monitor the inmates' health.

Williams, 32, was retested last week at Wilmington Hospital, but he says doctors tell him they don't know what caused his liver to fail.

While hepatitis C can cause liver failure, it typically takes longer between exposure and failure than what Williams has experienced, according to Dr. Robert Fontana, an associate professor of internal medicine and medical director for liver transplant at the University of Michigan in Ann Arbor.

The rarer former of hepatitis B, also can lead to liver failure, and progresses much quicker. Other medical circumstances can shorten or lengthen the progression of either strain.

Sentenced to three years for drug and weapons offenses, Williams is dying six months before his scheduled September release.

"He wasn't sentenced to death," said his mother, Teri Williams.

Over the past several weeks, Williams has retained 20 pounds of fluid in his legs and stomach, a consequence of liver failure. Morphine, delivered through an IV, barely takes the edge off the "unbearable" pain.

"He told me he's going to die," his wife, Megan Williams, said through tears Thursday morning at Wilmington Hospital. "He should have been brought here months ago."

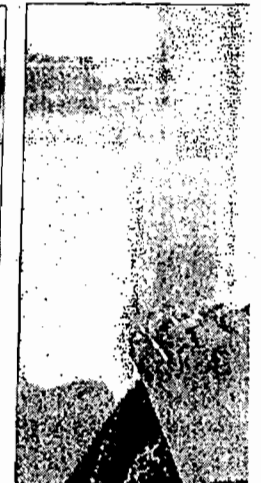
Her husband winced when she rested her hand on his distended stomach. But, Williams said, "It's the first time I've touched my wife in three years."

After he was transported to Wilmington Hospital on March 6, Williams spent the next six days handcuffed and shackled to a bed, as is prison policy, although he could barely move.

Prison officials downgraded his custody level Thursday — after The News Journal began investigating. The handcuffs and shackles were removed.



Megan Williams visits her inmate husband, Duane, at Wilmington H through tears Thursday. "He should have been brought here months



Harry Williams Sr. said the D risk by waiting so long to tra

Robyn Williams questioned the medical contractor's delay in moving her brother to Albert Einstein Medical Center in Philadelphia: "It doesn't take that long to find a bed."

When Williams was committed to prison, his lawyer asked the judge to reduce the sentence because of Williams' diabetes, and treatment he needed for a

mate lawsuits over poor c Delaware and other states

In January, a former i who sued the medical co tor resolved his case c court. Richard Mark Turn charged that CMS failed t vide him with adequate c 2001 and 2002 to treat his h



n moving her  
in Medical  
It doesn't  
bed."

was commit-  
wyer asked  
he sentence  
s' diabetes,  
eeded for a  
ler and arm  
traffic acci-  
The motion  
more than a  
posed to the  
n.  
AS wouldn't  
r to the he-

er failed be-  
Williams said.  
k-call slips.  
a virus and  
7 cell. Then  
he flu. Then  
erves. I am  
sted."

nmissioner  
ne problems  
ate medical  
frustrating  
l in my pro-

icult situa-  
"We're try-  
ical care de-  
rove the  
vender, and  
e devoted to

l year 2009.  
cludes \$40  
medical care  
i. Inmate ad-  
Gov. Ruth  
g and other  
r the state's  
Louis-based  
story of in-

mate lawsuits over poor care in  
Delaware and other states.

In January, a former inmate  
who sued the medical contrac-  
tor resolved his case out of  
court. Richard Mark Turner, 52,  
charged that CMS failed to pro-  
vide him with adequate care in  
2001 and 2002 to treat his hepati-  
tis C. Neither side would say  
whether Turner received med-  
ical care as part of the resolution.

Danberg said he's continuing  
"to hold CMS responsible" for  
providing quality health care to  
inmates.

"To the extent that they are  
not complying with the con-  
tract, there are financial penal-  
ties for failure to comply," Dan-  
berg said. "Every inmate death  
or serious illness is being evalu-  
ated by the department, the  
monitors and, when appropri-  
ate, outside medical experts."

Citing privacy laws, Danberg  
wouldn't discuss the specifics of  
Williams' medical problems.

"I can say we have removed  
the medical file from the cus-  
tody of the vendor (CMS) and  
made a complete copy for our-  
selves. We'll be providing com-  
plete copies of the file to the  
monitors and the Medical Soci-  
ety of Delaware," Danberg said.  
"We're treating this as a critical  
incident, like an inmate death."

CMS spokesman Ken Fields  
was not willing to be inter-  
viewed over the phone.

"While we cannot comment  
in detail on the care provided to  
a particular patient, we can tell  
you that this patient was seen  
and treated in a timely and ap-  
propriate manner by health  
care professionals," Fields said  
in an e-mail.

At the Albert Einstein Med-  
ical Center Thursday night, a  
team of doctors biopsied  
Williams' liver, his wife said.  
During the week Williams spent  
at Wilmington Hospital, the  
family heard several versions of  
what doctors might do to help.

"We've heard 10 different  
things. They've said he had a  
bed at different hospitals on  
three occasions," said friend  
Jason Milling, a restaurant  
manager in New York who has  
known Williams for 12 years.

Megan Williams was first told  
her husband would be moved to  
Johns Hopkins Medical Center  
in Baltimore, but later learned  
that had fallen through.

Gary Stephenson, a  
spokesman for Johns Hopkins,  
said Delaware's prison system  
contracts with a transplant com-  
pany that works in Pennsylvan-  
ia, not through Johns Hopkins.

Megan said she was later told  
a transfer wasn't possible be-  
cause one hospital "wouldn't  
take his insurance," even  
though as an inmate in state  
custody, the state is responsible  
for paying all health care costs.

"They said they've been look-  
ing for a bed at another hospital  
since Tuesday," sister Robyn  
Williams said. "I work at a hos-  
pital. It doesn't take that long to  
find a bed."

#### Federal investigation

Problems with prison health  
care and high inmate death  
rates, especially from AIDS and  
hepatitis, were examined by  
The News Journal in a series  
published in 2005. In March  
2006, the Justice Department's

it went to federal court.

The settlement agreement,  
signed by Danberg, who at the  
time was Delaware's attorney  
general, and former Correction  
Commissioner Stan Taylor,  
called on the state to revamp its  
prison health care system and to  
report its progress regularly to  
the Justice Department.

The agreement remains in ef-  
fect for three years, although the  
state can get off earlier if it  
achieves "substantial compli-  
ance" with each portion it.

But in the most recent report  
from a former judge selected to  
oversee the agreement, released  
Jan. 31, the sick-call process at  
Young Correctional Institution  
is described as dysfunctional.

"During the first visit, the  
Monitoring Team found that,  
particularly on the west wing of  
HRYCI, sick call slips were not  
consistently picked up on a  
daily basis, meaning that timely  
access to care was not occur-  
ing," wrote Joshua W. Martin  
III, the Wilmington attorney se-  
lected by the Department of Cor-  
rection and the Justice Depart-  
ment to serve as the state's first  
independent prison monitor.

"Further," Martin wrote, "the  
Monitoring Team found that  
sick call slips were not being  
maintained in one place, and  
some had not been addressed at  
all, even though they extended  
back over several weeks."

These problems have reached  
the commissioner's desk.

"We are aware of significant  
problems with the sick-call  
process, particularly at Gander  
Hill," Danberg said. "We con-  
tinue to work with the monitor  
and CMS to improve those prob-  
lems."

needs to be addressed because it  
affects inmate medical and men-  
tal health services negatively,"  
Martin wrote. "The Monitoring  
Team has also faced difficulty in  
receiving consistent and accu-  
rate information from CMS."

Suzanne Hill, an attorney  
who works at Martin's law firm,  
said Martin declined to com-  
ment for this story.

"He talks to the public  
through his reports," said Hill,  
who returned a message left for  
Martin.

#### From Wilmington

Williams grew up in Wilm-  
ington, with one brother and  
two sisters.

"He was crazy as a child,"  
Robyn Williams said. "He al-  
ways made everybody laugh."

"He's ornery," his wife said.  
"As a diabetic, he's not supposed  
to eat sweets, but he'd tease me  
by sending me candy bar wrap-  
pers in his letters, stuck to the  
paper with caramel."

He excelled at football at Con-  
cord High, and still played occa-  
sionally until his arrest.

He and Megan met at a  
friend's wedding.

Williams enjoys spending  
time with his 10-year-old daugh-  
ter Hannah, unless she beats  
him at video games, his wife  
said, at which point he sulks.

She still hasn't come to terms  
with his illness.

"I have so much anger inside  
me because of this, I can't put it  
into words," she said. "The doc-  
tors said every day he's getting  
worse. If he doesn't get a trans-  
plant, the outcome will be fatal."

Contact investigative reporter Lee Williams  
at 324-2362 or [williams@delawareonline.com](mailto:williams@delawareonline.com).

**As Delaware's #1 Roofer**  
We're Committed To Your Satisfaction  
• Locally Owned, Fully Insured and Licensed  
• References and Financing Available

**Voted #1**  
Roofing Contractor Siding Contractor

Call today for your  
**FREE Estimate 334-3000**  
[roofers@comcast.net](mailto:roofers@comcast.net) • [www.roofers.org](http://www.roofers.org)

**All American**  
ROOFING & WATERPROOFING  
QUALITY ABOVE THE REST

**Delaware Gubernatorial Democratic  
Primary Debate**

LT. GOVERNOR JOHN C.  
**CARNEY** and  
STATE TREASURER JACK A.  
**MARKELL**

**EXHIBIT Focus on Education**

Thursday, March 20, 2008  
The Baby Grand in the Edith and Alexander Giacco Building  
818 N. Market Street

**MILLER**  
CARPET ONE



morning at Wilmington Hospital. "He should have been brought here months ago."

Her husband winced when she rested her hand on his distended stomach. But, Williams said, "It's the first time I've touched my wife in three years."

After he was transported to Wilmington Hospital on March 6, Williams spent the next six days handcuffed and shackled to a bed, as is prison policy, although he could barely move.

Prison officials downgraded his custody level Thursday — after The News Journal began investigating. The handcuffs and shackles were removed. The guards left. His family got more time with him than the 20-minute-per-day visits they had been allowed.

His family maintains the Department of Correction waited too long to transfer him to a hospital, putting his life at risk.

"Our concern is that he didn't receive specialist care," said his father, Harry Williams Sr. "I can't help but think about how many other inmates are going through the same thing."

#### Began with cocaine, gun

Duane Williams' legal problems began Oct. 31, 2003, when Wilmington police officers conducted a search warrant at an apartment on Rockford Road. They found 54 grams of cocaine and a loaded handgun.

Although the apartment belonged to a girlfriend, Williams told police the dope and pistol were his. He pleaded guilty to possession with intent to deliver cocaine and possession of a firearm during commission of a felony. He was sentenced to three years in prison, all of which he has served at Gander Hill, formally known as Young Correctional Institution. He was due to be released Sept. 1.

"He committed the crime. He was wrong for that," his father said.



Robyn Williams questioned the medical contractor's delay in moving her brother to Albert Einstein Medical Center in Philadelphia: "It doesn't take that long to find a bed."

When Williams was committed to prison, his lawyer asked the judge to reduce the sentence because of Williams' diabetes, and treatment he needed for a broken neck, shoulder and arm that he suffered in a traffic accident in May 2005. The motion was denied. A little more than a year later, he was exposed to the contaminated insulin.

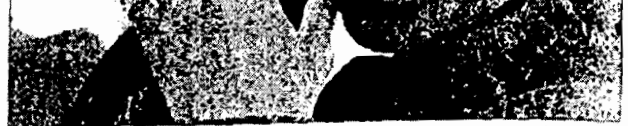
Williams said CMS wouldn't link his failing liver to the hepatitis exposure.

"CMS said my liver failed because of stress," Williams said. "I filled out six sick-call slips. They told me I had a virus and sent me back to my cell. Then they told me I had the flu. Then they said it was nerves. I am sick, hurt and disgusted."

Corrections Commissioner Carl Danberg said the problems associated with inmate medical care are "the most frustrating issue I've ever faced in my professional career."

"It's a very difficult situation," Danberg said. "We're trying to improve medical care delivery and improve the performance of our vendor, and have a team of people devoted to nothing but that."

Danberg's fiscal year 2009 budget proposal includes \$40 million for inmate medical care — \$38 million for CMS. Inmate advocates have urged Gov. Ruth Ann Minner, Danberg and other state leaders to sever the state's contract with the St. Louis-based firm which has a history of in-



Harry Williams Sr. said the Department of Correction put his son's life at risk by waiting so long to transfer him to specialist care.

mate lawsuits over poor care in Delaware and other states.

In January, a former inmate who sued the medical contractor resolved his case out of court. Richard Mark Turner, 52, charged that CMS failed to provide him with adequate care in 2001 and 2002 to treat his hepatitis C. Neither side would say whether Turner received money as part of the resolution.

Danberg said he's continuing "to hold CMS responsible" for providing quality health care to inmates.

"To the extent that they are not complying with the contract, there are financial penalties for failure to comply," Danberg said. "Every inmate death or serious illness is being evaluated by the department, the monitors and, when appropriate, outside medical experts."

Citing privacy laws, Danberg wouldn't discuss the specifics of Williams' medical problems.

"I can say we have removed the medical file from the custody of the vendor (CMS) and made a complete copy for ourselves. We'll be providing complete copies of the file to the monitors and the Medical Society of Delaware," Danberg said. "We're treating this as a critical incident, like an inmate death."

CMS spokesman Ken Fields was not willing to be interviewed over the phone.

"While we cannot comment in detail on the care provided to a particular patient, we can tell you that this patient was seen and treated in a timely and appropriate manner by health care professionals," Fields said in an e-mail.

At the Albert Einstein Medical Center Thursday night, a team of doctors biopsied Williams' liver, his wife said. During the week Williams spent at Wilmington Hospital, the family heard several versions of what doctors might do to help.

"We've heard 10 different things. They've said he had a bed at different hospitals on three occasions," said friend Jason Milling, a restaurant manager in New York who has known Williams for 12 years.

Megan Williams was first told her husband would be moved to Johns Hopkins Medical Center in Baltimore, but later learned that had fallen through.

Gary Stephenson, a spokesman for Johns Hopkins, said Delaware's prison system contracts with a transplant company that works in Pennsylvania, not through Johns Hopkins.

Megan said she was later told a transfer wasn't possible because one hospital "wouldn't take his insurance," even though as an inmate in state custody, the state is responsible for paying all health care costs.

"They said they've been looking for a bed at another hospital since Tuesday," sister Robyn Williams said. "I work at a hospital. It doesn't take that long to find a bed."

#### Federal investigation

Problems with prison health care and high inmate death rates, especially from AIDS and hepatitis, were examined by The News Journal in a series published in 2005. In March 2006, the Justice Department's

**EXHIBIT**

**CB JOE**  
TELEVISION & APPLIANCES  
Delaware's LOWEST PRICE OR We'll Change It!  
348 Churchmans's Rd. (Rt. 58E)  
I-95 Exit 4B • New Castle, DE  
802-322-7600 • www.cbjoe.com • 800-225-6388

**As Delaware's #1 Roofer**  
We're Committed To Your Satisfaction  
• Locally Owned, Fully Insured and Licensed  
• References and Financing Available  
**Voted #1**  
Roofing Contractor Siding Contractor  
Call today for your  
**FREE Estimate 334-3000**  
roofers@comcast.net • www.roofers.org  
**All American**  
ROOFING & WATERPROOFING  
QUALITY ABOVE THE REST

# Inmate with liver failure dies; family alleges prison neglect



News Journal file  
Duane Williams was injected with a  
"artificial insulin shot" in 2006.

By LEE WILLIAMS  
The News Journal

3/13/08

"If I die, it's because  
of the prison."

Duane J. Williams' words just before  
he died, according to his brother

An inmate mistakenly exposed to  
blood-borne diseases died Wednesday,  
months after his initial complaints of  
abdominal pain were ignored, his family  
says.

"If I die, it's because of the prison,"  
Duane J. Williams said just before he  
died, according to his brother.

In 2006, a prison nurse administered a  
contaminated insulin shot to Williams.  
Because he wasn't tested for a variety of  
diseases and viruses prior to his incarcer-

ation for drug and weapons' offenses, it  
may never be known whether exposure to  
hepatitis, HIV and other infections  
contributed to his liver problems.  
But the prison medical staff's failure to  
act quickly when pain first developed, his

family says, was a deadly mistake.

"When I came into his room for the last  
time, I actually saw his breath leave his  
body," said Harry Williams Jr., Duane's  
brother. "I told him it was OK to let go. I  
saw the life go out of him. He's at peace.  
He is free now. He is definitely free."

Four days before he died, Duane  
Williams, 32, told The News Journal that  
he first felt a pain in his gut over four  
months ago but the pain wasn't taken  
seriously until this month when a prison  
guard noticed Williams' eyes were turn-  
ing yellow. The officer demanded that

See INMATE —

## Cause of death unknown; autopsy requested

for him to get out. He learned his  
lesson and he had a life waiting  
for him outside that was much  
better than he had."

Reen credits his friend for  
pushing him to better himself.

"He has a great impact on my  
life," Reen said. "I'm in medical  
school now, and a lot of that is  
attributed to him."

### Delayed care common theme

Problems with prison health  
care and high inmate death  
rates, especially from AIDS and

hepatitis, were examined by The  
News Journal in a series pub-  
lished in 2005. In March 2006, the  
Justice Department's Civil  
Rights Division launched an  
investigation. In a settlement  
agreement, Delaware agreed to  
revamp its prison health care  
system and to report its progress  
over the next three years to the  
Justice Department.

Just as delayed treatment is  
an issue surrounding Williams' death, delayed care was an issue  
when the Justice Department  
opened its investigation.

Rolanda Trotman's twin  
brother, Ronald, died March 4,  
2005, while an inmate in the  
Delaware Correctional Center  
near Smyrna.

Trotman was just months  
away from getting out of prison  
when he contracted pneumococ-  
cus carinii pneumonia. Outside  
the prison, the disease is easily  
treatable with high doses of  
antibiotics. Trotman's family  
claimed he never received any

treatment. One Kent General  
physician wrote that Trotman  
should have been brought to the

hospital a month earlier.  
Another hospital doctor noted  
that he should have been  
brought to the hospital seven  
months before he died.

Rolanda Trotman said  
Williams' family most likely  
won't get straight answers from  
state officials. "We didn't," she  
said. "It's very hard to get over. I  
still cry every night. I don't  
know if I'll ever get over it."

The Reverend Christopher  
Bullock, senior pastor of the  
New Canaan Baptist Church  
and co-founder of the Delaware

Coalition for Prison Reform and  
Justice, said the coalition wants  
to meet with Danberg about  
Williams' death.

"We pray for his family. We  
mourn the tragic death — a death  
that could have been avoided,"  
Bullock said. "The coalition will  
seek justice. It appears to be a  
lack of urgency to address the  
systemic problems that still  
exists in our penal system, and  
someone must be held account-  
able."

3/13/08

Page 1

EXHIBIT 8

Contact investigative reporter Lee Williams  
at 324-2362 or [lwilliams@delawareonline.com](mailto:lwilliams@delawareonline.com).



# Inmate:

FROM PAGE A1

nurse or doctor provide treatment or transfer the inmate to a hospital.

Williams was taken to Wilmington Hospital and then Philadelphia's Albert Einstein Medical Center, where he died at approximately 1:30 a.m. His family requested an autopsy, but the exact cause of death remains unknown.

"One of the doctors said he had acute hepatitis," his brother said. "But no one is telling us anything official."

"He didn't deserve this," wife Megan Williams said through tears. "I will miss him very, very much."

Department of Correction Commissioner Carl Danberg was on military leave, according to spokesman John Painter, but in a statement, Danberg said the prison would review Williams' death.

"On behalf of the Delaware Department of Correction, I offer condolences to Duane J. Williams' family," Danberg wrote. "I also offer the pledge that the Department of Correction will cooperate fully as medical professionals determine the cause of death."

Federal law prevents Danberg from discussing medical records, but he said an internal review will examine whether there "were any deficiencies in the care provided to Mr. Williams while he was in our custody."

Gov. Ruth Ann Minner extended her "sincerest sympathy" to Williams' family and friends. "The cause of Mr. Williams' death is currently being investigated with the full cooperation of the Department of Correction, and again, our thoughts are with his family and loved ones during this difficult time," she said in a statement.

**'The prison system killed him'**

In addition to his wife, Williams left behind a 10-year-old daughter, three brothers and sisters, parents and scores of family and friends who think the Delaware Department of Correction and its for-profit medical contractor, Correctional Medical Services, delayed and denied care in order to save the system some money.

"Without a doubt the prison system killed him," Harry Williams said. "My brother wasn't a drinker or a drug addict. They killed him. They waited too long."

A diabetic, Williams was exposed to contaminated blood when a former CMS nurse at Gander Hill prison drew insulin from a multidose vial with a syringe she had earlier used to obtain a blood sample from another inmate.

The nurse, who resigned after the mistake was discovered, delivered insulin from that vial to Williams and 46 other diabetic inmates. Six have since tested positive for hepatitis, although prison officials can't definitively link their illnesses to the contaminated insulin.

Hepatitis can lead to liver failure, but progressing from exposure to total failure in 1½ years would be rare, said hepatitis expert Dr. Robert Fontana of the University of Michigan in Ann Arbor.

Williams was serving three years in prison for possession with intent to deliver cocaine and possession of a firearm during commission of a felony. He was due to be released Sept. 1.

His family and friends say there was no chance he would have re-offended.

## Inspiration to friend

Bob Reen Jr., 30, a medical student, has known Williams since 1994.

"I don't condone why he went to prison, but that's a separate issue. It's meaningless," Reen said. "There's no way he would have gone back. He's a family man, and he has his wife and daughter waiting, and a big support group. We were all waiting

EXHIBIT  
9

3/13/08

EXHIBIT

# Inmate wins civil rights lawsuit against Del. prison medical firm

By SEAN SULLIVAN  
The News Journal

**WILMINGTON** — The contractor providing medical services for state prisons violated an inmate's constitutional rights in 2001 and 2002 through "obviously inadequate" care, according to a federal judge.

Chief Judge Sue L. Robinson further found the evidence was so overwhelming that she granted inmate Richard Mark Turner's motion for summary judgment, mean-

ing he has won his case without a trial.

What makes the ruling even more remarkable, according to legal experts, is that Turner, 51, got the ruling in a lawsuit that he filed and argued without an attorney.

"This is a very rare event," said Elizabeth Alexander, director of the American Civil Liberties Union's National Prison Project. Turner, who is now incarcerated in Bellefonte, Pa., could not be reached for comment. Prison officials and officials

with Correctional Medical Services said Friday they had not read the ruling, handed down late Wednesday, and therefore could not respond directly to it.

"We intend to review the judge's ruling in detail before taking any additional action," CMS spokesman Ken Fields wrote in an e-mail Friday. He also noted the case involves events that are more than five years old, a time when less was known about the treatment of hepatitis C, which Turner had.

found "substantial civil rights violations" in Delaware prisons last year, following a 2005 News Journal series on prison medical care documenting abuses in the prison. In December, the state signed a settlement agreement with federal investigators, promising to correct the problems.

On Friday, Corrections spokeswoman Gail Stallings Minor said the department is continuing to address every issue identified in the report.

See INMATE — A7



Richard Mark Turner filed and argued the lawsuit without an attorney.

## TODAY'S FORECAST

HIGH LOW  
**59 38**

Details on A4

Business	B6	Crossword	E4	Lotteries	B3	Police report	B3
Calendar	B3	Dear Abby	E4	Movies	E4	Scoreboard	C5
Classified	D1	Editorial	A10	Obituaries	B4	Sports	C1
Comics	E5	Letters	A10	People	A4	TV listings	E6

3/31/INDEX

Get the latest Delaware breaking news, weather forecasts and entertainment tips on your cell phone or wireless device. Go to [www.delawareonline.com/textme](http://www.delawareonline.com/textme) to sign up.



**delawareonline.com**  
NEWSCASTS  
AT 9 A.M.  
AND 4 P.M.  
WEEKDAYS

**is** **Mazda • Kia • Pre-owned** **www.MartinDelivers.com** **NEWARK, DE**  
302-738-5200

The News Journal Saturday March 31st, 2007



Blood You Keep this

www.delawareonline.com

# Inmate: Inadequate training for

## FROM PAGE A1

According to Robinson's ruling, Correctional Medical Services violated Turner's rights when its employees failed to adequately train him in how to use a syringe to inject himself with Interferon – a form of chemotherapy – to treat his hepatitis C and “turned a blind eye” when they observed him improperly injecting himself three times a week for seven months. Turner injected himself in the same spot rather than in several different locations as recommended by the information sheet included with the medicine.

As a result of the improper injections, Turner developed a serious infection, according to court papers.

The next step in Turner's case, filed in 2003, will be to determine damages. On Friday, Robinson ordered Turner and attorneys for Correctional Medical Services to file briefs for how much Turner is due, if anything, from the company to compensate him for the violation of his rights.

The Delaware Department of Correction – along with a number of its employees – were dismissed as defendants in the case by Robinson, along with a number of other claims made by Turner.

According to court papers, Turner was incarcerated in Delaware on assault and reckless-endangerment charges and was released in 2006. Several months after his release, Turner returned to prison Feb. 5 on harassment and aggravated-assault charges in Pennsylvania.

Turner was prescribed Interferon in April 2000 but did not begin receiving the medicine until November 2001 because CMS told him it had no policy for treating inmates with hepatitis C, according to Robinson's ruling.

## Hepatitis C a nationwide issue

According to recent reports, hepatitis C is one of the most significant health threats to prisoners nationwide. By some estimates, about 40 percent of the 2.2 million prisoners are infected, compared with just 2 percent of the general population, according to the Associated Press.

## ONLINE EXTRAS

Read our series on prison health care, watch video interviews, read autopsy reports and join a discussion at [www.delawareonline.com](http://www.delawareonline.com).

CMS, based in St. Louis, was replaced as the prisons' medical-services provider in 2002 by First Correctional Medical. But in 2005, CMS was given the job back in a \$25.9 million no-bid contract with the state.

The ACLU's Alexander said CMS has been criticized “across the country” for its substandard treatment of inmates.

## Local legislators concerned

State Sen. Robert L. Venables, D-Laurel, who said Turner's father provided him information about the case, was not surprised by Robinson's ruling. “I read all of his medical records, three books the size of telephone books. I read that, and when I got done reading it, I could not believe what I read,” he said. “It was unbelievable ... so detailed and horrible. I don't know how

anything like that could possibly happen to a human being without someone stepping in.”

State Sen. Karen E. Peterson, D-Stanton, who also reviewed Turner's materials, agreed. She said she forwarded the information to federal investigators.

At the same time, Peterson said, she believes the situation in the prisons has improved recently. She said officials have gotten more responsive and things are “heading in the right direction.”

## Critics say not enough being done

Others were not so sure. Dover attorney Steve Hampton, who has represented several inmates and their families in similar lawsuits, said the situation “hasn't improved at all.”

Hampton said the judge's ruling is “another brick of evidence” that health care in Delaware prisons “violates the 8th Amendment and is indefensible.”

Hampton represented the family of Anthony Pierce, who became known as “the brother with two heads” as an inmate at

Beautiful custom window coverings  
at a beautiful price.



Check out our great selection of styles including:

- Shutters • Draperies • Wood Blinds
- Honeycomb Shades • Roller Shades
- Vertical Blinds • Silhouette®
- Woven Woods and more!

“Expert Fit” Measuring & Installation  
Each Franchise Independently Owned and Operated  
©2006 Budget Blinds, Inc. All Rights Reserved

**302-777-7772**  
FREE In-Home Consultation  
[www.budgetblinds.com](http://www.budgetblinds.com)

**Budget Blinds**  
a style for every point of view

Since 1933

**KRESTON**

**(WINE & SPIRITS)**

Best Service • Best Selection  
Best Price

904 Concord Ave. (Concord & Broad)

032707 000148948

SATURDAY, MARCH 31, 2007 ... THE NEWS JOURNAL **A7**

## Self-injection violated civil rights

Sussex Correctional Institution because of the large tumor on his head. Pierce, who was being treated by CMS staff, died from the brain tumor in 2002.

The state settled a wrongful-death lawsuit in a confidential agreement last year.

Maryanne McGonegal, of Delaware Common Cause, said

she does not believe state leaders are taking the issue seriously and are dragging their feet on reforms. "It is a disgraceful situation," she said.

It is possible Turner could be awarded cash by the court. But Hampton said when inmates win monetary damages, the money often ends up going to

ward fines, fees and restitution to their victims.

Attorney Edmund "Dan" Lyons Jr. said Turner could also end up with no money if the judge finds that the injury he suffered from CMS did not entitle him to significant damages.

Contact Sean O'Sullivan at 324-2777 or [sosullivan@delawareonline.com](mailto:sosullivan@delawareonline.com).

## SPRING REMODEL SALE



Bring in your  
BEST quote, we'll  
beat it!  
on KITCHEN & BATH CABINETS  
GUARANTEED!  
(yes, even those big  
chain stores!)



• Kitchen Cabinets, Islands, and Pantries  
• Bath Cabinets and Vanities  
• Appliances, Sinks, Faucets  
• Custom Countertops and Shower Doors  
• And much more!

Turn to the Professionals and Save!

Financing Available

**HURRY! Sale Ends April 30th**

**Bath Kitchen**

103 Greenbank Road • P.O. Box 9999  
Wilmington, DE 19809 • 302-992-9210



EXHIBIT

# Settlement reached in prison care lawsuit

Inmate Richard Mark Turner represented himself in his court case

By SEAN O'SULLIVAN  
The News-Journal

WILMINGTON — A former inmate who successfully sued the medical contractor for the state's prison system, without an attorney, has resolved his case out of court.

Richard Mark Turner, 52, charged that Correctional Medical Services failed to provide him with adequate care in 2001 and 2002 to treat his hepatitis C.

Attorney Jeffrey K. Martin, who is now representing Turner, said the resolution with CMS was "amicable" but confidential. He said Turner was pleased with the result.

CMS spokesman Ken Fields said the case was settled to "avoid further litigation."

Neither side would say if Turner received money as part of the resolution.

In March, District Judge Sue L. Robinson ruled in Turner's favor before his civil case went to trial, stating the undisputed evidence showed Turner's care was "obviously inadequate" and violated his rights.

The result stunned legal observers because Turner won the case without formal legal assistance.

At the time he filed the case, in 2003, Turner demanded \$14.9 million. Martin joined the case several weeks after Robinson's ruling.

The two sides agreed to settle the case following mediation sessions with Magistrate Judge Leonard Stark in late November and Tuesday entered a stipulation with the court to drop the case.

In her March ruling, Robinson said CMS employees did not adequately instruct Turner on how to give himself injections of Interferon — a form of chemotherapy — and then "turned a blind eye" when they saw him improperly injecting himself three times a week for seven months.

According to court papers, Turner injected himself in the same spot rather than in different locations — as medically recommended — resulting in serious infections.

Martin said his client continues to suffer significant health problems as a result.

Turner had been in prison on assault and reckless endangerment charges. He was released in 2006 but several months later ended up in a Pennsylvania prison on assault charges.

Martin said Turner was released on the Pennsylvania charges in September and now lives in Sussex County.

Turner has a second civil case pending in federal courts — filed in 2006 — alleging subsequent medical negligence by the state and CMS related to the infections.

Turner also filed that case on his own, but Martin has agreed to now represent him in that matter as well.

Contact Sean O'Sullivan at 324-2777 or [osullivan@delawareonline.com](mailto:osullivan@delawareonline.com).

## Syringe: 'Unacceptable,' says Rev. Bullock of care

FROM PAGE A1

Department of Correction officials did not return calls for comment Friday.

The Rev. Christopher Bullock, senior pastor of New Canaan Baptist Church and co-founder of the Delaware Coalition for Prison Reform and Justice, said Friday the acts of the nurse and her employer CMS were potentially criminal.

"We must decry this kind of behavior. It is not acceptable," he said.

Bullock said the situation described in the lawsuit reminded him of the Tuskegee experiments in which hundreds of poor black men in Alabama were allowed, without knowing it, to suffer and die from syphilis by government doctors who were studying the disease's progression.

He said inmates deserve to be treated humanely and their families should not have to put up with this kind of pain and anguish.

The 15 inmates who filed the lawsuit were at various stages in the criminal justice system when they were exposed, Bernstein said. Some were being held for probation violations, some were serving sentences for drug violations or crimes such as theft, and some were being held pending a trial.

Some have since gotten out of jail, but most remain incarcerated, Bernstein said.

Normally, he said, a lancet is used to test a diabetic's blood, then a separate syringe is used to administer the insulin. Neither is supposed to be re-used.

In this case, the inmates allege, the nurse used the syringe to test their blood, then used the same syringe to administer the insulin — potentially contaminating the multi-use vial. She then re-used the syringe in the same way with other inmates, potentially compounding the spread of blood-borne disease.

The 15 inmates say their rights were violated and are seeking compensatory and punitive damages and changes in prison medical care to prevent a repeat of the incident.

Attorneys for the plaintiffs provided a copy of a memo given to the inmate patients sometime in the summer of 2006, which appears to acknowledge some kind of contamination incident.

The "Patient Information Sheet" states a nurse "may have" used the same hypodermic needle to draw blood and to administer insulin, in violation

of policy. "A few other inmate patients are now making the same claim," it states, with a handwritten notation adding that some have tested positive for hepatitis.

The memo offers the inmates a blood screening to check for infection and says the unnamed nurse denied the charges and had left her job at Young Correctional.

Bernstein said some of his clients who agreed to the blood screening were never told the results.

Harry Williams, the brother of the inmate who died last month at a Philadelphia hospital, said Friday that his brother Duane, who was a diabetic and serving a three-year sentence on a drug and a weapons charge, had received the same Patient Information Sheet and that "Nurse Beth" was involved in his treatment in 2006 at Young Correctional Institution, formerly known as Gander Hill.

Some 46 other diabetic inmates were treated from the same multi-use vial. Six subsequently tested positive for hepatitis, although prison officials said they could not definitively state that the illness was linked to the allegedly contaminated insulin.

One month before the earliest date of alleged contamination, in March 2006, the Justice Department's Civil Rights Division launched an investigation of inmate health care in Delaware.

That federal involvement followed a series of stories published in The News Journal detailing abuses and problems with inmate health care.

The state later signed a settlement agreement with federal authorities promising to revamp and reform the prison health care system.

In February of this year, a report on the progress of that reform by former Superior Court Judge Joshua W. Martin III gave the state and CMS poor grades.

Bullock said Friday that CMS and its "incompetent and unethical" practices have to go.

"The coalition will again be calling for the removal of CMS and we will be doing whatever is necessary — demonstrations, protest marches — to bring justice to an unjust system. Someone must be held accountable. We are talking about the lives of human beings," he said.

Contact Sean O'Sullivan at 324-2777 or sosullivan@delawareonline.com.

## Cruelty is alleged in suit over syringe

At least 3 inmates claim they contracted hepatitis

By SEAN O'SULLIVAN  
The News Journal

WILMINGTON — Fifteen current and former inmates at Young Correctional Institution filed a federal lawsuit Friday alleging their medical care while behind bars was not only negligent but amounted to cruel and unusual punishment.

In at least one incident in 2006, a prison health care contractor allegedly used the same needle on multiple inmates, perhaps all 15, to draw blood and inject medicine — exposing all to blood-borne diseases including hepatitis C and possibly HIV/AIDS.

At least three allege they have contracted hepatitis and possibly other illnesses since that incident.

Attorney Joseph M. Bernstein, who along with attorney Bruce Hudson is representing the 15, said he didn't know whether the woman identified in the lawsuit as "Nurse Beth" used the same needle to save money, because the prison hospital was short on supplies that day, because she made a mistake, or for some other reason.

"Legally, it doesn't matter," said Bernstein. "They were still entitled to a minimum level of care."

And just because a person is in prison, there is no lower level of acceptable care, he said.

Although inmate Duane J. Williams was not named in the lawsuit, his family says the exposure led to the 32-year-old's death last month.

Ken Fields, a spokesman for the prison's medical contractor, St. Louis-based Correctional Medical Services, said Friday the company was aware of the allegations in 2006 but said there was no evidence the nurse did what the lawsuit charges. He added that even if such a thing happened, it was unlikely — and there is no evidence — that any infection actually resulted.

He acknowledged that the company did contact patients and offer follow-up blood testing, but said it only did so as a precaution because of the serious nature of the allegations against the nurse.



Attorney Joseph M. Bernstein is representing 15 inmates who claim their medical care was cruel and unusual punishment.



EXHIBIT

B2 THE NEWS JOURNAL -- FRIDAY MAY 23, 2008

# Prison staff, inmates getting TB tests

## Former inmate in hospital for active TB

By ESTEBAN PARRA  
The News Journal

Tuberculin skin tests being performed on Delaware Department of Correction staff and prisoners will be offered to others outside the prison who came in contact with a former inmate who tested active for TB this week.

The DOC is working with Delaware's Division of Public Health to conduct health screenings, which will be performed on people who had close contact with the former offender, John

R. Painter, a DOC spokesman, said. "At this point it's not everybody that is at that facility."

Family members and co-workers also will be tested, said Jay Lynch, Delaware Health and Social Services community outreach director.

Painter said the affected offender was determined to have a very low chance of being infectious and is receiving treatment at a local hospital. The offender was at Webb Community Correction Center, a work-release facility near Prices Cor-

ner from November 2007 until March 2008.

Although the type of TB that has been confirmed has a low incidence of transmission, Painter said, the Division of Public Health is following its routine protocol to ensure the health and safety of those who may have been in close contact with the individual.

The DOC is under an 87-point settlement agreement with the U.S. Justice Department to improve health care in its facilities. The settlement came after a nine-month federal investigation, prompted by articles in The News Journal that revealed inadequate health care

and questionable treatment in prisons.

TB is a bacteria that is inhaled into the lungs. The bacteria are released into the air when a TB-infected person coughs. People with TB are most likely to spread it to people they spend time with every day, such as family members, friends and co-workers.

Signs and symptoms of TB include a strong cough that lasts more than two weeks, chest pain, blood in sputum, weight loss, appetite loss, chills, fever and night sweats.

Contact Esteban Parra at 324-2299 or [eparra@delawareonline.com](mailto:eparra@delawareonline.com).

EXHIBIT

or jmerrweather@delawareonline.com

3/16/07

3/16/07

## Scabies prompts Correction quarantine

By ANDRE L. TAYLOR  
The News Journal

Eighteen offenders housed at the Central Violation of Probation Center in Smyrna are being treated for scabies, and the entire facility has been quarantined, prison officials said.

Department of Correction employees discovered the outbreak Wednesday when an offender complaining of chronic, itchy skin, was seen in the center's medical department, prison spokeswoman Gail Stallings Minor said.

After making such a discovery, employees are required to check other offenders in proximity, Minor said. When they did so, they discovered 17 other cases.

Scabies is a transmissible surface skin infection characterized by superficial burrows and intense itching, Minor said. It's caused by a mite that attaches itself to the skin's surface.

The 18 offenders have been isolated and are undergoing treatment, officials said. As a precaution, all 228 offenders in the facility have been quarantined for five days as well, Minor said.

Staff members who came in contact with the offenders will be treated, too, and treatments are available for others who request it.

Minor said the department's medical staff has been placed on alert and is looking for any other cases throughout the correction system. So far, none have been reported.

Contact Andre L. Taylor at 324-2890  
or andertaylor@delawareonline.com.